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Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated July 20, 2005.

Claims 1-9, 11-25, 27-29, 31-35 and 37-57 are pending in the application. Claims 10, 26, 30 and 36 have been canceled herein without prejudice and claims 1-9, 11, 12, 25, 27, 31-35, 37-41, 43, 44 and 46 have been amended as set forth above. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

CLAIM REJECTIONS

Independent claim 35 and dependent claims 42-43 and 45 were rejected under 35 U.S.C. §102(b) as being anticipated by Scheele, U.S. Patent No. 3,743,044, while independent claim 46 and dependent claims 47 and 51-54 were rejected under 35 U.S.C. §102(b) as being anticipated by Humes, U.S. Patent No. 3,734,538. Independent claim 1 and dependent claims 2-12, 24, 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scheele, in view of Pewthers, U.S. Patent No. 3,485,400, while independent claim 25 and dependent claims 26-28, 31, 33, 34, 38-41 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scheele, in view of Kishi, U.S. Patent No. 4,694,930. Dependent claims 13-16 and 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scheele, in view of Pewthers, and further in view of Humes, while claims 17 and 18 were rejected under §103(a) as being unpatentable over Scheele, in view of Pewthers, and further in view of Humes and further in view of Richnow, U.S. Patent No. 3,096,995, and claim 23 was rejected under §103(a) as being unpatentable over Scheele, in view of Pewthers, and further in view of Kallansrude, U.S. Patent No. 5,110,153. Claims 29, 30 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Scheele, in view of Kishi, and in further view of Pewthers, while claims 48-50 were rejected under §103(a) as being unpatentable

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over Scheele, in view of Olson, U.S. Patent No. 3,684,108, while claims 55-57 were rejected under §103(a) as being unpatentable over Scheele, in view of Richnow.

Applicants respectfully traverse the rejections under 35 U.S.C. §102(b) and §103(a) for the reasons set forth below.

Applicants have amended independent claim 1 to clarify that the first support comprises an extendable and retractable boom that is pivotally mounted to the frame portion and pivotable about a first lateral axis at the frame portion. The deck is pivotally mounted to the boom and pivotable about the longitudinal and lateral deck axes relative to the boom. The second support comprises a pair of rear supports at a rear end of the frame portion. The rear supports are pivotally mounted at the rear end of the frame portion and are pivotable about a second lateral axis at the rear of the frame portion. The second support includes a pivot member at an upper end of each of the rear supports. The deck is slidably mounted to the pair of pivot members and is slidable longitudinally relative to the pivot members. The pivot members are pivotally mounted to respective ones of the pair of supports and are pivotable relative to the pair of supports about respective longitudinal axes. The deck is slidable generally along the longitudinal deck axis relative to the pivot members when the boom is extended or retracted.

Applicants have amended independent claim 25 to clarify that the at least one rear support is pivotally mounted at a rear portion of the frame portion and is pivotally and slidably attached to the deck. The at least one rear support is pivotable relative to the frame portion about a first lateral pivot axis at the frame portion and the deck is pivotable relative to the at least one rear support about a longitudinal pivot axis of the deck. The deck slides relative to the at least one rear support when the boom member extends or retracts to longitudinally adjust the position of the deck relative to the at least one rear support.

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Applicants have amended independent claim 35 to clarify that the trailer includes an extendable and retractable boom pivotally mounted to the frame portion and pivotable about a first lateral axis at the frame portion. The deck is pivotally mounted to a forward end of the boom and is pivotable relative to the boom about at least two pivot axes. The boom is extended and retracted to longitudinally move the deck relative to the frame portion. The boom is pivoted about the first lateral axis to generally vertically move a forward portion of the deck. The rearward supports each include a slide member pivotally mounted at an upper end of the rearward supports. The deck is slidably mounted to the slide members, and slides along the slide members to longitudinally move relative to the rear supports in response to extension and retraction of the boom and in response to pivotal movement of the rearward supports about the second lateral axis.

Applicants have amended independent claim 46 to clarify that the hitching member extends from a front portion of the frame portion for connecting the trailer to a towing vehicle. The hitching member includes a connecting element for connecting the hitching member and the trailer to a towing vehicle. The hitching member is pivotally attached to a front portion of the frame portion and is pivotable about a second generally vertical axis relative to the front portion of the frame portion. The second generally vertical axis is spaced from and forward of the first generally vertical axis. The hitching member is movably attached to the axle base forward of the first and second generally vertical axes.

With respect to the rejection of independent claims 1, 25 and 35, Applicants submit that Scheele, either alone or in combination with Pewthers and/or Kishi, does not disclose, teach, suggest or render obvious the trailer of the present invention, particularly as set forth in independent claims 1, 25 and 35 as amended above. Scheele discloses an elevating platform transporter that has an article supporting bed supported on wheel carrying axles. The bed or platform is supported by four telescoping hydraulic cylinders which extend and retract to raise and lower the bed. There is no disclosure or suggestion in Scheele of the bed or platform being slidably supported on any of the

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telescoping cylinders. Nor is there any teaching or suggestion in Scheele of having an extendable and retractable boom that may pivot relative to the frame portion to raise and lower a portion of the bed.

The Examiner has cited Pewthers as providing the missing elements of the Scheele disclosure. However, Applicants submit that Pewthers does not disclose or suggest pivotally supporting a bed or deck or platform at a frame portion, such that the deck is pivotable about both a longitudinal axis and a lateral axis of the deck. To the contrary, the bed of Pewthers functions only to tilt at the rearward end of the vehicle frame.

Because of the stark contrasts between the vehicles of the Scheele and Pewthers patents, Applicants submit that there would be no motivation to combine the teachings of Pewthers with the teachings of Scheele and, even if such a combination were made, the combination would fail to arrive at the trailer of the present invention. Moreover, Applicants submit that, because the telescoping hydraulic cylinders are connected to the brackets of the frame members of the frame of the Scheele transporter via a ball and socket type connection, and because the center brackets (88) extend downward from a center region of the frame to connect to the transfer box (156), longitudinal or sliding movement of the platform relative to the frame portion is substantially precluded in the Scheele transporter. Likewise, because the subframe in Pewthers is pivotally fixed to the vehicle frame at the rear end of the vehicle via a pivot rod or member extending through ears welded or attached to the subframe, Applicants submit that pivotal movement of the bed of the Pewthers vehicle about a longitudinal axis is substantially precluded. Moreover, the longitudinal movement of the bed in Pewthers is relative to the subframe, and is not a sliding movement relative to one or more rear supports pivotally mounted to the frame of a trailer.

Therefore, Applicants respectfully submit that, due to the stark contrasts between the Scheele transporter and the Pewthers vehicle, there is no motivation to combine the teachings of Pewthers with the teachings of Scheele, nor would such a combination arrive at a functional trailer, particularly a trailer incorporating aspects of the present invention. Applicants thus respectfully

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submit that Scheele, either alone or in combination with Pewthers, does not disclose, teach, suggest or render obvious the trailer of the present invention, particularly as set forth in independent claims 1, 25 and 35, and in the claims depending therefrom. Reconsideration and withdrawal of the rejection of these claims is respectfully requested.

With respect to the rejection of independent claim 46 and the claims depending therefrom, Applicants submit that Humes does not disclose, teach or suggest the trailer of the present invention, particularly as set forth in independent claim 46. Humes discloses a steering assembly for trailers that are connected to a cab or vehicle via a fifth wheel connection. Thus, there is no hitching member in Humes that extends from a front portion of the frame portion of the trailer for connecting the trailer to a towing vehicle. Nor does Humes disclose, teach or suggest a hitching member that is pivotally attached to the front portion of the frame portion and is pivotable about a second generally vertical axis that is spaced from and forward of the first generally vertical axis of a steerable axle. Nor is there any disclosure, teaching or suggestion in Humes of such a hitching member being movably attached to an axle base at a location that is forward of the first and second generally vertical axes. Applicants thus respectfully submit that Humes, either alone or in combination with any other cited reference, does not disclose, teach, suggest nor render obvious the trailer of the present invention, particularly as set forth in independent claim 46 and the claims depending therefrom. Reconsideration and withdrawal of the rejection of claims 46-57 is respectfully requested.

Accordingly, Applicants respectfully submit that neither Scheele or Humes, either alone or in combination with one another or with any other prior art of record, discloses, teaches, suggests or renders obvious the trailer of the present invention, particularly as set forth in independent claims 1, 25, 35 and 46, and in the claims depending therefrom.